

Office of
Personnel Management

Washington, D.C. 20415

In Reply Refer To: SSP:EMP

Your Reference:

MAY 2 1980

Mr. Harry E. Fitzwater
Director of Personnel Policy,
Planning and Management
Central Intelligence Agency
Washington, D.C. 20505

Dear Mr. Fitzwater:

In response to Mr. Carlucci's request for an agreement to permit interchange of personnel between CIA and the competitive civil service, we asked our General Counsel to reconsider the legality of interchange with a system which is exempt from veterans preference provisions. As you know, this is the issue which barred previous attempts to establish an interchange agreement.

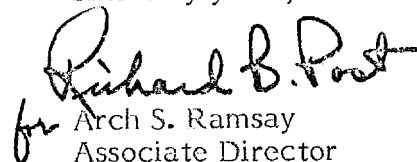
The General Counsel has upheld the previous determinations that the requirement in section 6.7 of Civil Service Rule VI that interchange agreements must be "consistent with the intent of the civil service laws and any other applicable laws" precludes interchange with systems which do not accord preference to veterans. A copy of the opinion is enclosed.

It will, therefore, be necessary to seek approval of a separate Executive order to permit interchange between CIA and the competitive service. Before we can recommend such an order, we must find that your merit system, aside from the veterans preference issue, is compatible with that of the competitive service and that interchange would promote good administration. Should we recommend approval of an Executive order, the order would have to be circulated for comment to interested agencies and approved by the Office of Management and Budget before it could be submitted to the President.

Please let us know if you are interested in seeking approval of an Executive order.

We regret that our reply cannot be more favorable.

Sincerely yours,


for Arch S. Ramsay
Associate Director
Staffing Services

Enclosure